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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION NO.2154 OF 2006.

PETITIONER Jai Jagdish Singh
S/o. Sukhpal Singh, 35 years, R/o. Village – Rewapar, Post – Kodabhat, Tehsil – Pamgarh, dist: Janjgir Champa – (C.G.)

versus

RESPONDENTS

1. Union of India, Through – The Secretary, Land & Road Transport Deptt. New Delhi.
2. State of Chhattisgarh, Through – Panchyat and Rural Development Deptt. Mantralaya Raipur – (C.G.)
3. C.G. Rural Road Development Agency, Through – Chief Executive Officer, Civil Lines Raipur – (C.G.)
4. The Executive Engineer cum- Member Secretary Project Implementation Unit Pradhan Mantri Gram Sadak Yojna, Dist: Janjgir Champa- (C.G.)

Present : Mr.Prafull Bharat, learned counsel for the petitioner.
Shri S.K. Beriwal, learned Standing counsel for Union of India.
Shri Prashant Mishra, learned Addl. Advocate General with Shri Utkarsh Verma, learned Dy. G.A. for the State.

ORAL ORDER
(Passed on 25th April, 2006)

The following oral order of the Court was passed by

S.R. Nayak, C.J.

Shri Jai Jagdish Singh, the petitioner herein, has filed this writ petition under Article 226 of the Constitution of India claiming to be a *pro*

bono public character to espouse a cause of the public. It is stated that the Union of India had floated a scheme in the year 2002 popularly known as 'Pradhanmantri Gram Sadak Yojna'. Under the said scheme, a road from Rahood to Khokri was sanctioned. While executing the above work, respondents 3 and 4 herein decided to lay a new road from Rahood terminal going to village Khokri. It is the contention of the petitioner that there exists W.B.M. Road which passes through a Nala and a culvert has already been constructed long back, and the proposed construction of the road would be a sheer waste at the cost of the Exchequer of the State, and the proposal is not intended to serve any public purpose or interest. In a matter like this, it is for the public authorities to take a decision where the road should be laid, whether the proposal to lay a new road would serve societal interest in general and road-users in particular after taking into account all relevant factors and circumstances. Such decision of the authorities should not be condemned as arbitrary or unreasonable unless *mala fide* on the part of the administrative agencies is shown. Although, it is vaguely stated that the action of the respondents 3 and 4 is *mala fide,* no factual matrix is laid in the pleadings of the petitioner to bring home even remotely the charge of *mala fide*. An individual in the society could not dictate the term to the public authorities as to where a public road should be laid. It may be a matter of choice on the part of respondents 3 and 4 either to repair the existing road or to lay a new road. It is nobody's right to insist that respondents 3 and 4 should not lay a new road and they should only repair the existing road which is in a bad shape. Be that as it may, it is not within the domain of the Court to interfere in a matter like this inasmuch as there is also an element of policy which would guide the

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public authorities when they took decision to lay new road. It is seen from the records placed before us that the petitioner has already made a representation to the Collector, Janjgir-Champa expressing his opposition to the proposal to lay a new road. It is for the concerned authorities under the 'Pradhanmantri Gram Sadak Yojna' to appreciate the representation of the petitioner and if they find any merit in the representation, then, to take appropriate measure in accordance with law and in terms of the Pradhanmantri Gram Sadak Yojna. The writ petition is dismissed subject to the above observations.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Brajesh